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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,633	07/15/2003	Brian G. Payton	SVL920030074US1/3794P	1713

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EXAMINER
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LONG, ANDREA NATAE

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/620,633	Applicant(s) PAYTON ET AL.	
	Examiner Andrea N. Long	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/05/2007</u> | 6) <input type="checkbox"/> Other: _____  |

*Applicant's Response*

1. In Applicant's response filed 01/30/2007, Applicant amended claims 1, 13-16, and 18-25, argued against the rejection of claims 5, 17, and 24 under 35 U.S.C. § 112, second paragraph, and argued against the rejection of claims 1-36 under 35 U.S.C. § 103. Claims 1-36 are currently pending in the present application.

*Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 5, 17, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5, 17, and 29, the phrase "an equivalent of any of the foregoing" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mocek et al (US Patent 5924089), hereinafter “Mocek” in view of Bosworth et al. (US Patent 6016488), hereinafter “Bosworth”, in further view of Rubinstein (US Patent 5721897), hereinafter “Rubinstein”.**

6. **As to independent claims 1, 13, and 25, Mocek discloses *a query assist tool, method, and article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer for providing a dynamically adaptive interface for creating a query search condition* (column 2 lines 5-15 → Mocek discloses a database management system, that implements a user interface for the user to produce a command),**  
***the computer program comprising,***  
***means for displaying selectable query operators in a second display area* (Fig 3E reference character 378, column 2 lines 25-26 → Mocek discloses selectable relational conditions), *and***

*means responsive to selection of an operator, for displaying selectable options for the selected query operator in third region* (column 4 line 65 through column 5 line 6, Fig 3E reference character 380 → Mocek discloses selecting an operator will allow the user to input and select string characters as values associated with the operator).

Mocek teaches a list of selectable database tables in a first display area. However Mocek does not teach *means for displaying selectable columns of a table in a first display area* or where *the first display area, second display area, and third display area being displayed on a dynamically adaptive interface*. Bosworth teaches *means for displaying selectable columns of a table in a first display area* (column 3 lines 4-12 → Bosworth discloses a user selecting one or more columns from a table). Rubinstein teaches having *a first display area, a second display area, and a third display area being displayed on a dynamically adaptive interface* (Figure 2, reference characters 205, 220, 242, 246, 250, and 270 → Rubinstein discloses having multiple panes displayed together on a user interface available to a user to construct a query).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to make the selectable columns of a table of Bosworth an additional step after selecting the table in the query tool of Mocek and having all the display areas displayed together on an interface to make constructing queries simple and efficient.

**As for dependent claims 2, 14, and 26,** Mocek discloses *means for displaying a resulting search condition in a fourth display area after selection of a column, and operator, and*

*an option* (column 5 lines 16-20, Fig 3E reference character 382 → Mocek discloses the computer interprets the information entered above and displays a search condition).

**As for dependent claims 3, 15, and 27,** Mocek discloses *means for confirming a selection of a column, operator, and operator option* (column 4 lines 25-26, Fig 3A → Mocek discloses that the user can click the next button or any of the tabs to move on which is equivalent of a user confirmation).

**As for dependent claims 4, 16, and 28,** Mocek discloses *means for displaying a resulting search condition in fourth display area in response to a selection confirmation* (column 4 lines 25-26, Figs 3A and 3K → Mocek discloses by selecting one of the tabs to move on, by clicking the SQL tab it will display the search condition).

**As for dependent claims 5, 17, 29,** Mocek discloses *means for confirming a selection further comprises one or more of the group consisting of a selectable fifth display region, a mouse click, or a keystroke* (column 4 lines 25-26, Fig 3A → Mocek discloses a Next button which is inherent that a mouse would be used to select the button or one of the tabs. The underlying of the first letter of the button name is also inherent that the user can select the button by and ctrl + keystroke).

**As for dependent claims 6, 18, and 30,** Mocek discloses *means for providing a resulting search condition to a query model* (column 3 lines 60-63 → Mocek discloses that existing statements can used).

**As for dependent claims 7, 19, and 31,** Mocek discloses *means for receiving at least a portion of a query statement, and means for displaying elements of the received query statement*

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*in a fourth display area* (column 4 lines 19-22, column 5 lines 11-13, Fig 3E reference character 376 → Mocek discloses that a partial statement can be created. Mocek also discloses selectable fields that are displayed).

**As for dependent claims 8, 20, and 32,** Mocek discloses *means for receiving query elements from a query model instance* (column 5 lines 11-13, Fig 3E reference character 376 → Mocek discloses selectable fields associated with existing statements are displayed).

**As for dependent claims 9, 21, and 33,** Mocek discloses *means for receiving at least a portion of a query statement from an application* (column 3 lines 21-23 → Mocek discloses implementing applications through a graphical user interface).

**As for dependent claims 10, 22, and 34,** Bosworth discloses *means for providing a pull-down menu of selectable column names* (column 3 line 4-12, Fig 15 reference character 1511)

**As for dependent claims 11, 23, and 35,** Mocek discloses *means for providing a pull-down menu of selectable operators* (Fig 3E reference character 378 → Mocek discloses selectable operators in scrollable menu window, that allows the user to pull the screen inside the window down to view all operators.)

**As for dependent claims 12, 24, and 36,** Mocek discloses *means for displaying selectable operators for connecting a plurality of created search predicates in a fourth display region* (column 5 lines 11-13, Fig 3E reference character 376 → Mocek discloses fields which connect to the operators for form a search condition).

*Response to Arguments*

7. Applicant's arguments filed 01/30/2007 have been fully considered but they are not persuasive.

In regard to the rejection of claims 5, 17, and 29 under 35 U.S.C. §112, second paragraph, the rejection stands. The phrase “an equivalent of any of the foregoing”, still renders the claim indefinite. Without defining a clear and definite means for selection the claim is open to unlimited possibilities, which can encompass future selectable options. A selectable button, a mouse click, and a keystroke are well known in the art, “any of the foregoing” does not set a concrete limitation to the claim.

In regard to independent claims 1, 13, and 25, Applicant argues that Mocek in view of Bosworth does not teach “displaying selectable options for a selected query operator in response to selection of the query operator”.

Examiner disagrees.

Mocek teaches having selectable query operators Fig 3E reference characters 378, upon selection of the operator additional values associated with the operator conforms to the selected operator. Take notice of Fig 3E reference characters 378 and 380, in Fig 3G when the operator is changed to “IS BETWEEN”, the associated value box 395 is also reconfigured to display a value area that corresponds to ranges. The options are selectable and in response to the operator. The user of the interface has a selectable choice of entering a string, a range, or other corresponding values of the operator. Therefore Mocek in view of Bosworth teaches “displaying selectable options for a selected query operator in response to selection of the query operator”.



8. Applicant's arguments with respect to claims 1, 13, and have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment.

Amendment of the above independent claims to include the limitation of "displaying area one, area two, and area three together on an interface" significantly changes the scope of the claimed invention when interpreted as a whole and has necessitated new grounds of rejection.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long  
03/28/2007

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**